

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Erik White

**16CV 8253**

Write the full name of each plaintiff.

No. \_\_\_\_\_  
(To be filled out by Clerk's Office)

-against-

(Police Officer) Raul Aguino, N.Y.P.D.  
MYRNA BROWN  
Administration for Children Services  
(A.C.S.), City of New York

Write the full name of each defendant. If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed above must be identical to those contained in Section IV.

**COMPLAINT**

(Prisoner)

Do you want a jury trial?

☐ Yes ☒ No

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**NOTICE**

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

**I. LEGAL BASIS FOR CLAIM**

State below the federal legal basis for your claim, if known. This form is designed primarily for prisoners challenging the constitutionality of their conditions of confinement; those claims are often brought under 42 U.S.C. § 1983 (against state, county, or municipal defendants) or in a "Bivens" action (against federal defendants).

☒ Violation of my federal constitutional rights

☒ Other: SLANDER, DEFAMATION, Libel

**II. PLAINTIFF INFORMATION**

Each plaintiff must provide the following information. Attach additional pages if necessary.

ERIK C. White  
First Name Middle Initial Last Name

ERIK White

State any other names (or different forms of your name) you have ever used, including any name you have used in previously filing a lawsuit.

141-14-06717 NYSID NO. [REDACTED]

Prisoner ID # (if you have previously been in another agency's custody, please specify each agency and the ID number (such as your DIN or NYSID) under which you were held)

BROOKLYN DETENTION COMPLEX

Current Place of Detention

275 ATLANTIC AVENUE

Institutional Address

BROOKLYN

County, City

N.Y.

State

11201

Zip Code

**III. PRISONER STATUS**

Indicate below whether you are a prisoner or other confined person:

☒ Pretrial detainee

☐ Civilly committed detainee

☐ Immigration detainee

☐ Convicted and sentenced prisoner

☐ Other: \_\_\_\_\_

**IV. DEFENDANT INFORMATION**

To the best of your ability, provide the following information for each defendant. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are identical to those listed in the caption. Attach additional pages as necessary.

Defendant 1:

Raul Aguino TAX ID NO. 945139  
 First Name Last Name Shield #

POLICE OFFICER

Current Job Title (or other identifying information)

34 Precinct: 4295 Broadway

Current Work Address

NEW YORK

N.Y.

County, City

State

Zip Code

Defendant 2:

MIRNA

BROWN

5114819

First Name

Last Name

Shield #

CASEWORKER (UNIT: 443-1)

Current Job Title (or other identifying information)

ADMINISTRATION FOR CHILDREN SERVICES: 55 WEST 125 ST.

Current Work Address

NEW YORK

N.Y.

10035

County, City

State

Zip Code

Defendant 3:

ADMINISTRATION FOR CHILDREN SERVICES

First Name

Last Name

Shield #

Current Job Title (or other identifying information)

150 WILLIAM STREET

Current Work Address

NEW YORK

N.Y.

10038

County, City

State

Zip Code

Defendant 4:

CITY OF NEW YORK

First Name

Last Name

Shield #

NEW YORK CITY LAW DEPT.

Current Job Title (or other identifying information)

100 Church Street

Current Work Address

NEW YORK

N.Y.

10007

County, City

State

Zip Code

Defendant No. 5

New York City Police

Department

1 Police Plaza

New York, N.Y. 10007

## V. STATEMENT OF CLAIM

Place(s) of occurrence: \_\_\_\_\_

Date(s) of occurrence: NOV. 8, 2013 AND BEYOND

### FACTS:

State here briefly the FACTS that support your case. Describe what happened, how you were harmed, and how each defendant was personally involved in the alleged wrongful actions. Attach additional pages as necessary.

PLEASE SEE ATTACHED "STATEMENT OF  
FACTS"

**INJURIES:**

If you were injured as a result of these actions, describe your injuries and what medical treatment, if any, you required and received.

PLEASE SEE ATTACHED "STATEMENT  
OF FACTS"

**VI. RELIEF**

State briefly what money damages or other relief you want the court to order.

FOR THE MATTERS AND CIRCUMSTANCES AS A RESULT THEREOF  
STATED HEREIN THIS ACTION, I AM REQUESTING MONETARY  
RELIEF IN TOTAL OF TWO MILLION DOLLARS (\$2,000,000).



**VII. PLAINTIFF'S CERTIFICATION AND WARNINGS**


By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I understand that if I file three or more cases while I am a prisoner that are dismissed as frivolous, malicious, or for failure to state a claim, I may be denied *in forma pauperis* status in future cases.

I also understand that prisoners must exhaust administrative procedures before filing an action in federal court about prison conditions, 42 U.S.C. § 1997e(a), and that my case may be dismissed if I have not exhausted administrative remedies as required.

I agree to provide the Clerk's Office with any changes to my address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

|  |                |  |
|--|----------------|--|
| <u>Oct. 14, 2016</u>                                   |                |  |
| Dated  |                | Plaintiff's Signature  |
| <u>ERIK</u>  | <u>C.</u>      | <u>White</u>   |
| First Name   | Middle Initial | Last Name  |
| <u>BROOKLYN DETENTION COMPLEX; 275 ATLANTIC AVENUE</u> |                |  |
| Prison Address   |                |  |
| <u>BROOKLYN</u>  | <u>N.Y.</u>    | <u>11201</u>   |
| County, City   | State          | Zip Code   |

Date on which I am delivering this complaint to prison authorities for mailing: OCT. 15, 2016

## STATEMENT OF FACTS

This is a matter of Slander, Malicious defamation and libel; AS ON OR ABOUT Nov. 8, 2013, MS. ROOHANA ANDERSON, whom which her and I have a child - daughter (KESSIAH ANDERSON) - together, filed a FALSE REPORT AGAINST ME - incident No. 2013-034-002568 - AT the 34th Precinct, New York County, WHEREAS whom OFFICER Raul Aquino - TAX ID No. 945139 - WAS the WRITER (herein enclosed exhibit-A).

IN SAID REPORT, MS. ANDERSON claimed that she SAW sexual message between our daughter and I on our daughter's FACEBOOK page. THEREAFTER, OFFICER Aquino reported that I had been ARRESTED A total 20 times, PRIOR AND SINCE 2009, FOR SEX TRAFFICKING. This claim was also later stated by MS. ANDERSON in a "FAMILY OFFENSE Petition" - FAMILY COURT, New York County, ON Nov. 22, 2013 (EXHIBIT-B). The Administration for CHILDREN SERVICES (A.C.S) WAS ALSO NOTIFIED WHEREAS the CASE WAS ASSIGNED to MS. MYRNA BROWN (CASEWORKER - A.C.S No. 5114819, UNIT No. 443-1).

ALL ALLEGATIONS AND CLAIMS HEREIN STATED AND REFERRED WERE PROVEN TO BE FALSE; AS ALL WERE THOROUGHLY INVESTIGATED AND UNFOUNDED AS THEY COULD NOT BE CORROBORATED BY EVIDENCE. EVEN MORE, THOSE CLAIMS MADE BY OFFICER Aquino AS WELL AS MS. ANDERSON ARE A BLATANT LIE; AS THE RECORD WILL



Undoubtedly verify that I have never been arrested for nor charged with sex trafficking, muchless, within the period of time therein stated (2009-Nov. 2013).

### -Background-

ON MAY 14, 2004, I WAS ARRESTED AND CHARGED WITH A SEX CRIME, DUE TO ALLEGATIONS THAT WERE BROUGHT AGAINST ME BY MY, THEN, SCORNED GIRLFRIEND BECAUSE OF MY INFIDELITIES. I WAS LATER RELEASED ON BAIL IN MARCH 2005 (EXHIBIT-C) AND JUMPED BAIL IN DECEMBER 2005 (EXHIBIT-D). THEREAFTER, I WAS APPREHENDED AND REARRESTED IN MARCH 2007 AND, THEN ALSO CHARGED WITH BAIL JUMPING. UNDER DURESS, I LATER ACCEPTED A PLEA IN DECEMBER 2007 AND THEN IN JAN. 2008 I WAS SENTENCED TO  $3\frac{1}{2}$  TO 7 YEARS FOR THE SEX CRIME AND  $2\frac{1}{3}$  TO 7 YEARS FOR BAIL JUMPING, IN WHICH BOTH SENTENCES WERE ORDERED TO BE SERVED CONCURRENTLY.

I AM CURRENTLY FIGHTING TO HAVE THOSE CHARGES AND CASES VACATED, DUE TO MY INNOCENCE THEREOF, I AM ALSO NOW A REGISTERED SEX OFFENDER BECAUSE OF THIS, AS WELL AS OTHER GRIEVANCES, BUT YET MY MOTIONS THEREOF HAS BEEN BEING DELIBERATED SINCE JAN. 2016 (EXHIBIT-E).

THEREAFTER, I WAS RELEASED FROM STATE PRISON ON DECEMBER 27, 2010. THEREFORE, (BEING THAT I WAS

incarcerated from March 2007 — Dec. 2010) it is impossible that I had been arrested for sex trafficking or anything else in 2009, as officer Aguino and others claimed. I remained free, without incident nor police contact, until April 2011 when I surrendered myself to answer for a parole violation; for which I was ordered to serve another 18 months in state prison. Thereafter, I was released on Oct. 9, 2012. I then remained free, again, without incident nor police contact, until February 2013; when, again, I surrendered myself for another parole violation; for which I was ordered to serve the remainder of my sentence in state prison, which was six months. Thereafter I was released on Aug. 28, 2013. I remained free, without incident nor police contact until May 24, 2014, for which I remain incarcerated.

So, as you can see, as of herein stated and can very well be verified by the record, the claims of my arrests for sex trafficking are a blatant fabrication. But yet, even with no proof and claims unbounded, these allegations (sex trafficking and the inappropriate Facebook messages) were made against me in family court by Ms. Roshana Anderson (the mother of my child) and corroborated by Ms. Myrna Brown (A.C.S) and charged against me by Your Honor — Hon. Stewart Weinstein —

WHEREAS I WAS ORDERED TO STAY AWAY FROM MY CHILDREN AND THE ALLEGATIONS WERE ALSO SAID TO BE FACTS ("ORDER OF FACT FINDING"-EXHIBIT F). MS. ANDERSON CLAIMED THAT SHE, HERSELF, SAW SAID MESSAGES BETWEEN OUR DAUGHTER AND I ON OUR DAUGHTER'S FACEBOOK PAGE BUT THEN THE MESSAGES HAD BEEN DELETED. THEREFORE, THE COURT SUBPOENA'D THE RECORDS FOR BOTH MY DAUGHTER AND MY OWN FACEBOOK ACCOUNT(S)-EXHIBIT-G. AND EVEN THOUGH THIS CLAIM WAS UNFOUNDED, IT WAS STILL SAID TO BE A FACT AND HELD AGAINST ME IN THE COURT'S ORDER(S).

### -Background-

SINCE BEING CONVICTED FOR A SEX CRIME AND SUBSEQUENT SEX OFFENDER REGISTRATION, I HAVE BEEN SUBJECTED TO CONSTANT RIDICULE, SUSPICION AND MALICIOUS ATTACKS IN MY EVERYDAY LIFE. SUCH AS INDIVIDUALS MALICIOUSLY USING MY SITUATION AND CIRCUMSTANCES THEREOF AGAINST ME FOR THEIR OWN PERSONAL GAIN AND/OR VENGEANCE. SUCH AS IS THE FOUNDATION OF THE MATTER HEREIN REFERENCED.

SHORTLY AFTER MY RELEASE FROM PRISON IN 2012- FOR A PAROLE VIOLATION-MS. ANDERSON DECIDED THAT SHE NEEDED A BREAK FROM RAISING OUR DAUGHTER AND ASKED MY MOTHER-MERCEDES WHITE-IF SHE WOULD ASSUME THE RESPONSIBILITY. MY MOTHER AGREED AND SOON THEREAFTER OUR DAUGHTER WAS SENT TO LIVE WITH MY MOTHER AND STEP-



Father. But yet my daughter is from the city - Bronx, N.Y. - where she had been raised for her entire life. And my mother lived in Chappaqua, N.Y. So in actuality my daughter was just snatched away from the only life that she had ever known, where she had her friends and her freedom, and placed in a world that was totally foreign to her. As well as my mother is extremely strict. My daughter was only allowed to go to school and directly back home. She was not allowed any internet access, social media nor even for scholastic purposes because my mother wanted her to stay in her books and study so that she would thoroughly understand her work. Nor did my mother allow my daughter to have a cell phone. Therefore, this transition was extremely difficult for my daughter and often caused friction between the two (my mother and my daughter).

So then I began to stay at my mother's house as well, to help with my daughter and try to ease the tension out of the situation, as much as possible. This worked as everyone was happy and the situation was tolerable. But soon thereafter I had to return to prison for another parole violation (Feb. 2013). So upon learning that I would soon be back in prison, my daughter wanted to return home to her mother and her friends and the life that she had always enjoyed. So she used my situation to get her way. She began writing love letters to me and discarding them in places where she knew

that my mother would find them. Then she claimed that her and I had been having sex in various places in my mother's house as well as in the house where I lived with my fiancée, and my daughter from that relationship, at the time. My daughter also claimed that I had taken nude photos of her on my fiancée's laptop computer.

Needless to say, an intense investigation ensued with law enforcement authorities as well as Dept. of Children Services (D.C.S). Property was taken from my mother's as well as my fiancée's homes - including my fiancée's laptop computers - and everything - including inside of said homes - was thoroughly examined and forensically tested. All results were negative. All claims were unfounded (Exhibit - H). But meanwhile - in June 2013 - during the time of the investigation(s), Family Court (Westchester County) ordered that my daughter be returned to her mother - Roshana Anderson. Then, immediately thereafter being returned to her mother, during a conversation between the two is when my daughter confessed that her claims against me were all untrue. And that she had only made up the stories because she did not want to live with my mother; she wanted to go home to her mother. She also told of her being coerced into continuing with the allegations after the letters were found (Exhibit - I). It was then after



that all investigations verified her allegations to be untrue, nor was I ever arrested nor charged in this matter. As all claims were unfounded as well as my daughters' confession that the allegations hereof were fabricated, it was thereby proven that my daughter had lied on me in such a vicious way for her own personal gain.

But yet even with my innocence being proven in this matter, the allegations were still charged against me in family court. See "Order of Fact Finding" (herein exhibit-F). This is extremely defamatory because it is impossible that the allegations are "facts" when the incident(s) never occurred. Furthermore, the allegations were proven false through investigation(s); as well as the accused confessed to the allegations being made up for her own personal gain.

But unfortunately this now happens often in my life because of my situation, as being a registered sex offender, such as the matter(s) hereof this action. Ms. Anderson (the mother of my daughter) maliciously used my situation against me, out of vengeance, because of domestic problems that her and I were having, in claiming that she witnessed sexual Facebook messages between our daughter and myself. As well as it is further damaging and blatant professional misconduct that Ms. Myrna Brown (A.C.S.) cooperated Ms. Anderson's

Allegations, even though there is absolutely no proof - even after the courts own investigation, as per subpoena. Furthermore, my daughter adamantly and repeatedly denounced these allegations or even any knowledge of said Facebook messages (Exhibit-J).

As the matters herein stated and referred has caused such extreme measures of unjust stress, ridicule, suspicion, embarrassment and scrutiny in my life - as it has costed me relationships (business, personal, intimate), I have also had to endure homelessness, being ordered (by the court) to stay away from my children, job loss and incarceration, all as a result hereof - that I often contemplated suicide.